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2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Main Committee III

Summary record of the 1st meeting
Held at Headquarters, New York, on Thursday, 19 May 2005, at 3 p.m.

Chairman: Ms. Bonnier ..... (Sweden)

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The meeting was called to order at 3.05 p.m.

Programme of work

1. **Mr. de Queiroz Duarte** (President of the Conference) said that the Chairpersons of the subsidiary bodies had been chosen strictly on the basis of their personal and professional abilities. He had met that morning with the Chairpersons of the three Main Committees, the Chairpersons and Vice-Chairpersons of the subsidiary bodies and the Chairperson of the Drafting Committee, who had agreed to work together constructively in order to ensure the successful outcome of the Conference.

2. **The Chairman** drew attention to the proposed programme of work contained in document NPT/CONF.2005/INF.5 and introduced the non-paper on the organization of the work of Main Committee III and its subsidiary body.

3. **Mr. Saeidi** (Islamic Republic of Iran) pointed out that both Main Committee III and its subsidiary body were due to meet on Monday, 23 May 2005 and enquired as to how the meeting time would be divided between the two bodies.

4. **The Chairman** said that meeting time would be allocated in a balanced manner on the basis of the proportions used during the previous Preparatory Conference.

General exchange of views

5. **Mr. Kayser** (Luxembourg), speaking on behalf of the European Union; the acceding countries Bulgaria and Romania; the candidate countries Croatia and Turkey; the stabilization and association process countries Albania, Bosnia and Herzegovina, Serbia and Montenegro and the former Yugoslav Republic of Macedonia, recalled that article IV of the Treaty on the Non-Proliferation of Nuclear Weapons provided for the inalienable right of all States parties to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II. However, the improper use of civilian nuclear programmes for military purposes must be prohibited. The European Union was strongly committed to the objectives of article IV and, through multilateral and bilateral programmes, promoted the many peaceful and beneficial applications of nuclear technology. It also supported the Technical Cooperation Programme of the International Atomic Energy Agency (IAEA) and provided a significant proportion of the voluntary contributions to its Technical Cooperation Fund.

6. The European Union was working closely with the IAEA Secretariat and other States parties to the Nuclear Non-Proliferation Treaty to implement a programme on established and emerging nuclear techniques and also supported current research into the use of nuclear techniques to combat infectious diseases, such as tuberculosis and HIV/AIDS. With a view to resolving cooperation-related problems, the Agency should, inter alia, implement model projects based on demand and needs, develop national programming frameworks for the project selection process and introduce thematic planning strategies.

7. The Union welcomed the Agency's increasing emphasis on assisting beneficiary countries to improve the safety of their nuclear facilities, including during the decommissioning phase, as well as the safety and security of their nuclear materials and radioactive waste. The European Union was closely following the development of innovative projects concerning reactors and nuclear fuel cycles. It urged the Agency to launch education and training programmes designed to meet the needs of both developing and developed countries.

8. The European Union also welcomed the efforts undertaken by the Agency and its member States to improve the safety and security of radioactive sources, in particular the adoption of the relevant Code of Conduct, and called on all countries to inform the Director General of their political commitment to comply with that instrument. It also welcomed the internationally harmonized guidelines on the import and export of radioactive sources and had noted with satisfaction the adoption of the Code of Conduct on the Safety of Research Reactors.

9. The well-defined draft amendment to the Convention on the Physical Protection of Nuclear Material, designed to extend the scope of the Convention to cover the physical protection of nuclear facilities and the domestic use, storage and transport of nuclear material, was another welcome development. In order to ensure the adoption of that amendment, the European Union urged all parties to the Convention to participate in the forthcoming diplomatic conference.

10. The Union drew attention to the Convention on Nuclear Safety, the Joint Convention on the Safety of

Spent Fuel Management and on the Safety of Radioactive Waste Management and the Vienna, Paris and Brussels Conventions and called on all States that had not yet done so to accede to those instruments. All States should also make use of the Agency's Transport Safety Appraisal Services (TranSAS).

11. Within the framework of its Strategy against the Proliferation of Weapons of Mass Destruction, the European Union had entered into cooperation with a number of third countries. In particular, it had embarked upon a joint action with the Russian Federation to convert surplus nuclear weapons material into nuclear fuel for civilian use and was assisting a number of States in enhancing the security and safety of their nuclear facilities and in protecting highly radioactive sources.

12. Mindful of its obligations under article IV of the Treaty, the European Union was engaged in various technical cooperation programmes. With a view to facilitating a consensus, it had also adopted a common position on the Conference which covered the three pillars of non-proliferation, disarmament and the peaceful uses of nuclear energy.

13. With regard to nuclear enrichment and reprocessing technologies, which were of particular interest to the international community owing to their dual-use nature, the European Union was of the opinion that access guarantees should be encouraged and, in that connection, took note of the report on multilateral approaches to the nuclear fuel cycle prepared by an independent group of experts appointed by the Director General of IAEA, which should be discussed by the Agency as soon as possible.

14. Comprehensive safeguards agreements and protocols additional to those agreements were now the Agency's verification standard and the European Union stood ready to work to ensure that the Board of Governors of IAEA acknowledged that fact. A decision by the Conference confirming that arrangement would serve to build the confidence necessary to promote more active international cooperation.

15. **Mr. Villemur** (France) said that France was particularly interested in the debate on the peaceful uses of nuclear energy and would spare no effort in giving the fullest possible application to article IV of the Treaty.

16. Nuclear technologies were particularly advantageous for developing countries, since they provided a secure and sustainable energy source, did not damage the environment and did not tend to fluctuate in price. The International Ministerial Conference on Nuclear Power in the Twenty-first Century, organized by the Director General of IAEA and held in Paris, had outlined the potential benefits of expanding the use of nuclear power.

17. Since nuclear power had an important role to play in the global arena, international cooperation was vital and, in that context, innovative measures would be essential to the design of a new generation of systems that were more competitive, even safer, less susceptible to proliferation and capable of meeting the world's energy needs while taking into account the need to ensure sustainable social and economic development. In that connection, France was participating actively in the research and development projects of the Generation IV International Forum and was a full member of the International Project on Innovative Nuclear Reactors and Fuel Cycles (INPRO).

18. As many States as possible should benefit from access to civilian nuclear technologies, provided that they complied with their non-proliferation obligations, adhered to the IAEA safeguards regime and pursued their activities in good faith for peaceful purposes. To that end, and in keeping with its commitment to the promotion of the peaceful uses of nuclear energy, France was cooperating with a growing number of countries and institutions. It fully supported the Technical Cooperation Programme of IAEA and made regular contributions to the Technical Cooperation Fund and urged all States to do likewise.

19. While France recognized the inalienable right of States to benefit from the development of nuclear energy for peaceful purposes and from international cooperation in that field, that right could be exercised only by means of strict compliance with articles I, II and III of the Treaty. Civilian nuclear cooperation was impossible unless States fulfilled their obligations under the Treaty and, in that connection, the recent crises concerning proliferation and non-compliance might have a negative impact on the climate of confidence required for the full implementation of the provisions of article IV. The right to the peaceful uses of nuclear energy must not be a pretext for the misuse of nuclear technologies, equipment or materials or for

the conduct of clandestine activities that ran counter to the objectives of the Treaty.

20. Ensuring compliance with non-proliferation and safety obligations was one of the major challenges facing the international community. In order to meet that challenge, a comprehensive vision that took account of the relevant international treaties and agreements and the roles and responsibilities of the major stakeholders was needed. Effective, objective, transparent and non-discriminatory export controls, as well as an efficient safeguards regime and reliable safety measures, were the foundation of international efforts to prevent proliferation, the illicit trafficking of nuclear or radioactive material and possible acts of nuclear terrorism. In that connection, it was important to honour commitments made and to strengthen the existing safeguards regime through the adoption of protocols additional to safeguards agreements. France did not intend to cooperate on issues relating to the nuclear fuel cycle with States that had not entered into such arrangements. However, it was willing to pursue the debate on that issue with a view to, inter alia, strengthening the guarantees provided by supplier countries.

21. Ensuring the security and safety of peaceful uses of nuclear energy was vital if cooperation was to be further developed. To that end, the international community had stepped up its protection of nuclear activities with a view to minimizing the risk of nuclear or radioactive material being used for the commission of terrorist acts. The Agency had an important role to play in that regard and France supported the various measures and programmes it had developed, including the Code of Conduct on the Safety and Security of Radioactive Sources. In the area of maritime transport, France was an active contributor to the Agency's International Action Plan for the Safety of Transport of Radioactive Material and was cooperating with its partners in order to ensure the transparency of international transport. It welcomed the adoption by the IAEA General Conference of a balanced resolution on that question, which had been prepared jointly by shipping and coastal States.

22. In the absence of political will and popular support, the development of nuclear energy could not be envisaged and, to that end, the greatest possible level of transparency was required. France had signed the guidelines on the management of civilian plutonium and published a yearly status report on its civilian inventory. It had invited all other States possessing such material to do likewise.

23. **Mr. Nakane** (Japan) pointed out that the failure to respect any of the three pillars of the Nuclear Non-Proliferation Treaty would seriously undermine the credibility of the non-proliferation regime as a whole. However, provided that non-nuclear-weapon States carried out their nuclear activities in full compliance with the Treaty, their right to use nuclear energy for peaceful purposes would not be jeopardized. For its part, Japan had adopted a nuclear fuel cycle policy designed to ensure that plutonium and other by-products of the reprocessing of spent fuel were reused in order to provide a long-term energy source.

24. As well as generating power, nuclear energy could be used for many other peaceful purposes. In order to ensure that present and future generations could benefit from such energy, measures to guarantee its safety were essential. The peer review mechanism provided for in the Convention on Nuclear Safety was an effective and valuable tool in that regard, and Japan had been participating actively in the review process.

25. In view of the uneven distribution of global resources and of the fact that only a limited number of countries possessed the relevant technology, the transport of nuclear material was essential. The maritime transport of radioactive material to and from Japan was carried out in accordance with the principles of international law and in line with the relevant international standards. In order to obtain an objective assessment of its national transport safety regulations, the Japanese Government had invited IAEA to conduct a TranSAS mission during the current fiscal year. With a view to ensuring transparency, Japan had provided information on its maritime transport activities to the relevant coastal States and hoped that an informal discussion on communication between shipping and coastal States would serve to enhance understanding of the issue.

26. The international nuclear non-proliferation regime needed urgent strengthening in order to maintain and enhance peace and stability worldwide, including in Japan, where the nuclear programmes of the Democratic People's Republic of Korea posed a significant threat. In that connection, he welcomed the efforts of the international group of experts to produce a report on approaches to the nuclear fuel cycle. However, if the international community wished to

consider that issue in more depth, a number of points that were not covered by the report must be discussed.

27. First, careful consideration should be given to the ways in which multilateral approaches could contribute to the strengthening of the non-proliferation regime. Second, steps should be taken to ensure that such approaches did not unduly affect the peaceful uses of nuclear energy in cases where IAEA had confirmed that the State concerned was complying fully with its safeguards obligations. Third, further thought must be given to how multilateral approaches to the nuclear fuel cycle could guarantee the supply of nuclear fuel and services, given that that supply was essentially unpredictable. Japan did not believe that a voluntary time-bound moratorium on new fuel cycles was appropriate and took the view that such an approach could have an adverse effect on nuclear activities for peaceful purposes.

28. As far as technical cooperation was concerned, Japan attached great importance to the IAEA Technical Cooperation Programme and made regular and significant contributions to the Technical Cooperation Fund. It would also continue to take an active part in international and regional technical cooperation schemes, such as the Regional Cooperative Agreement for Asia and the Pacific and the Forum for Nuclear Cooperation in Asia.

29. Lastly, Japan had submitted a working paper entitled "Twenty-one measures for the twenty-first century" (NPT/CONF.2005/WP.21), which was designed to promote the aims and purposes of the Treaty. Measures 18 and 20 were directly relevant to the work of Main Committee III and the document as a whole could serve as the basis for a consensus text to be included in the final outcome document of the Conference.

30. **Mr. Ford** (United States of America) said that, given the current crisis of non-compliance with the Nuclear Non-Proliferation Treaty and the spurious claims by certain States that other States were wrongfully seeking to halt their legitimate nuclear programmes or to prevent them from accessing certain nuclear-related technologies, the Conference must address, in depth, all aspects of article IV, particularly paragraphs 1 and 2, which set out specific requirements for suppliers.

31. Some States parties to the Treaty had argued that article IV (1) provided for the unconditional right to use nuclear energy for peaceful purposes and that measures taken by other States to deny them certain technologies had violated their rights under the Treaty. However, nothing could be further from the truth. States signatories to the Treaty had agreed that their nuclear activities must be in conformity with articles I, II and III, and article IV did not protect States that had violated the non-proliferation provisions from the consequences of such a violation.

32. While paragraph 2 of article IV called on States parties to facilitate the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy, the use of the expression "fullest possible" was in itself an acknowledgment that such cooperation may be limited. Article IV did not compel States parties to engage in nuclear cooperation with or to provide any particular form of assistance to other States. The Treaty did not provide for the sharing of nuclear technology, nor did it oblige those States possessing such technology to share any specific materials or technology with non-nuclear States. Indeed, in order to comply with the overall objective of the Treaty and with any specific obligations under articles I and III, supplier States must consider whether certain types of assistance or assistance to certain countries were consistent with the non-proliferation purposes and obligations set out in the Treaty, with their other international obligations and with their national legislation. They should withhold such assistance if they believed that a specific form of cooperation would encourage or facilitate proliferation or that a State was violating its Treaty or safeguards obligations.

33. States parties had a responsibility to implement article IV in such a way as to preserve the right of compliant parties to develop peaceful uses of nuclear energy and to prevent States parties from abusing that right by seeking to acquire nuclear weapons capabilities. While the Treaty was silent on the question of whether compliant States had the right to develop the full nuclear cycle, it did provide for discretion on the part of supplier States regarding the nature of their cooperation with other States.

34. During the previous 20 years, several States, including the Islamic Republic of Iran, Iraq, the Libyan Arab Jamahiriya and the Democratic People's Republic of Korea, had sought to acquire enrichment and/or reprocessing capabilities with a view to developing nuclear weapons in violation of the Nuclear Non-

Proliferation Treaty. Consequently, in the interest of furthering the non-proliferation and security objectives of the Treaty, States parties should take steps to limit the spread of enrichment and reprocessing technologies. To that end, the President of the United States of America had proposed limiting the transfer of such technologies to those States that were fully compliant with the Treaty and already possessed full-scale and functioning enrichment and reprocessing plants. Compliant States deciding to forgo enrichment and reprocessing would not be adversely affected, since they would have reliable access to reasonably priced fuel for their civilian nuclear reactors. That approach would create a new standard that would help to prevent the proliferation of nuclear weapons while ensuring that sufficient capacity was retained to provide fuel cycle services to all States parties.

35. The United States strongly supported the fullest possible interaction among compliant States parties and between compliant States parties and IAEA in the area of the peaceful uses of nuclear energy. It was the largest financial contributor to the Agency's Technical Cooperation Programme and maintained, on a national basis, 21 agreements with individual countries and groups of countries which allowed for the export of reactors and fuel to 45 States parties to the Treaty. It was engaged in cooperative research and development projects with nuclear-weapon States and non-nuclear-weapon States, developed countries and developing countries, which would help to address the nuclear power needs of the twenty-first century.

36. The peaceful applications of nuclear energy held great promise for mankind and the United States would continue to pursue their development throughout the world. However, in view of the current difficulties associated with the effective and constructive implementation of article IV, he urged all States parties to remember that nuclear activities must comply with articles I and II of the Treaty. States that failed to comply with articles I, II or III should not receive benefits under article IV and should instead be the subject of compliance attention. Sound implementation and enforcement policies could and should entail reducing violators' access to nuclear technology and could and should close the loophole that had allowed certain States to use a purportedly peaceful nuclear programme as a cover for the pursuit of a nuclear weapons programme.

37. **Ms. Hussein** (Malaysia), speaking on behalf of the Group of Non-Aligned States Parties to the Treaty, introduced the working paper contained in document NPT/CONF.2005/WP.20 and requested the inclusion of the elements contained therein in the final report of Main Committee III. The acceptance and implementation of those recommendations would serve to reaffirm the inalienable right of all parties to the Treaty to the peaceful uses of nuclear technology.

38. **Mr. Gerts** (Netherlands), speaking also on behalf of Australia, Austria, Canada, Denmark, Hungary, Ireland, New Zealand, Norway and Sweden, introduced the working paper contained in document NPT/CONF.2005/WP.12, entitled "Approaches to the nuclear fuel cycle".

39. **Mr. McDougall** (Canada) observed that the right to the peaceful uses of nuclear energy had been aptly described as one of the three pillars of the Nuclear Non-Proliferation Treaty. Canada was deeply attached to the rights set out in article IV and, cognizant of the benefits of nuclear energy and related applications, was a strong supporter of the IAEA Technical Cooperation Programme.

40. Nuclear cooperation flourished in a climate of confidence, an essential element of which was effective verification. While the Treaty committed States parties to the fullest possible exchange of nuclear expertise, it also recognized that there might be limits to such exchanges. Individual export decisions fell within the sovereignty of the States parties concerned and no State could be compelled to engage in a specific exchange if it suspected that such an exchange could contribute to proliferation.

41. The Treaty conferred a set of interrelated and mutually reinforcing rights and obligations on States parties and, as such, the inalienable right to use nuclear energy for peaceful purposes enshrined in article IV was balanced by obligations arising from the need to comply with articles I, II and III. Consequently, while that right might be inalienable, it was neither unconditional nor absolute and States parties should cooperate only with other States parties that had complied with all their Treaty obligations.

42. With respect to the nuclear fuel cycle, renewed concerns over the potential misuse of certain enrichment and reprocessing capabilities had revived the debate on new collaborative approaches to the issue. Thus far, most States parties to the Treaty,

including those with sizeable nuclear industries, had not felt the need to develop domestic enrichment and reprocessing capacity, as illustrated by the fact that only four non-nuclear-weapon States parties had commercial enrichment capacity and only one engaged in reprocessing.

43. Canada welcomed current efforts to develop innovative approaches to the fuel cycle which could reduce the incentive to acquire a production capacity for weapons-grade material while at the same time ensuring access at reasonable prices to nuclear energy for peaceful purposes. To be viable, such approaches must be consensual and non-discriminatory and provide a reliable alternative to domestic enrichment and reprocessing. Except in cases of non-compliance, States parties must not be asked to surrender their rights, but rather must be encouraged to seek out cooperative arrangements that provided the same opportunities to enjoy the benefits of nuclear energy but did not entail the full exercise of those rights.

44. The previous Review Conference had determined that the provisions of article V of the Nuclear Non-Proliferation Treaty should be interpreted in light of the Comprehensive Nuclear-Test-Ban Treaty. However, the relevance of the latter to the former Treaty went far beyond the invalidation of the concept of a peaceful nuclear explosion, since the Nuclear-Test-Ban Treaty had an organic link to the Nuclear Non-Proliferation Treaty and was a condition of the latter's indefinite extension. It furthered key objectives of the Nuclear Non-Proliferation Treaty, restricting both horizontal and vertical proliferation and diminishing the political value of nuclear weapons.

45. It was therefore regrettable that seven States parties to the Nuclear Non-Proliferation Treaty had not yet ratified the Comprehensive Nuclear-Test-Ban Treaty. With each additional signature or ratification, the normative value of the Nuclear-Test-Ban Treaty increased, even prior to its entry into force. The Review Conference should therefore call on all States that had not yet done so, and particularly on the remaining States listed in Annex 2, to ratify the Nuclear-Test-Ban Treaty without delay.

46. **Mr. Gala López** (Cuba) endorsed the statement made by the representative of Malaysia. The promotion of the peaceful uses of nuclear energy was one of the pillars of the Nuclear Non-Proliferation Treaty. Non-nuclear-weapon States had undertaken not to acquire such weapons on the understanding that they could use nuclear energy for peaceful purposes in accordance with the provisions of the Treaty. Cuba stressed the need to respect the inalienable right of all Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination through the full, free and effective exchange of nuclear technology.

47. The International Atomic Energy Agency was the only international authority competent to monitor and promote the peaceful uses of nuclear energy. Cuba attached great importance to the Agency's Technical Cooperation Programme and welcomed the Secretariat's efforts to strengthen it. However, while the member States of IAEA must ensure that it had adequate and predictable resources for the implementation of the Programme, the Agency itself must endeavour to achieve a balance between the three pillars of its work, namely, technical cooperation, safety and security and verification, thereby ensuring that the dubious balance currently in operation did not have an adverse effect on technical cooperation activities.

48. Calling into question programmes for the peaceful uses of nuclear energy under the Nuclear Non-Proliferation Treaty not only violated the letter and spirit of the Treaty but also constituted an obstacle to the full and effective implementation of the mandate of IAEA. Steps must be taken to ensure that States parties to the Treaty that had undertaken to subject all their nuclear activities to monitoring by the Agency would not be prevented from pursuing their socio-economic and technological development. Strengthening the safeguards regime must not entail restricting the peaceful use of nuclear energy or subjecting it to conditions.

49. Furthermore, the introduction by certain States parties of unilateral measures restricting the use of nuclear energy for political reasons hindered the ability of other States parties to use that energy for peaceful purposes and amounted to a violation of the Treaty. Export control regimes based on selective and discriminatory criteria were unacceptable and constituted a serious obstacle to the enjoyment of the inalienable right enshrined in article IV. Cuba took the view that the most effective export control regimes were negotiated and applied multilaterally and provided for the participation of the largest possible number of States willing to harmonize their relevant

export regulations. Only under those circumstances could the objective of non-proliferation be achieved, without prejudice to the right of all States parties, in particular the least developed countries, to reap the benefits of the peaceful uses of nuclear energy.

50. **Mr. Saeidi** (Islamic Republic of Iran) recalled that the inalienable right of all States parties to use nuclear energy for peaceful purposes, enshrined in article IV of the Treaty on the Non-Proliferation of Nuclear Weapons, constituted the very foundation of the Treaty and provided the main incentive for non-nuclear-weapon States to accede to it. However, long before the conclusion of the Treaty, the International Atomic Energy Agency had recognized the potential benefits of the peaceful uses of nuclear energy in its Statute.

51. Two broader considerations had given rise to the inalienable right enshrined in article IV. First, the fact that scientific and technological achievements were the common heritage of humanity and not the unique preserve of certain nations. Such achievements must be used to improve the human condition and must not be abused as instruments of terror and domination. Second, the need to achieve the right balance between rights and obligations, which formed the basis of any sound legal instrument and guaranteed its longevity by providing incentives for accession and compliance.

52. The right to peaceful uses of nuclear energy had also been underlined in seven paragraphs of the decision on principles and objectives for nuclear non-proliferation and disarmament taken at the 1995 Review and Extension Conference and in the final document of the 2000 Review Conference.

53. The IAEA Statute recognized the important role of the peaceful applications of nuclear energy and nuclear technologies for human health, agriculture, environmental protection and sustainable development, especially in the developing countries, and the Agency had played a fundamental role in recent years in promoting those applications. Developing States parties to the Treaty expected additional financial and human resources to be allocated to the Agency's Technical Cooperation Fund to enable it to discharge its responsibilities effectively.

54. Measures taken by States parties to prevent nuclear proliferation should facilitate rather than hamper the exercise of the right of developing States parties to the peaceful uses of nuclear energy. Imposing undue restrictions on the transfer of nuclear materials, equipment and technologies as a cover for the pursuit of the foreign policy objectives of certain States constituted a flagrant violation of article IV and undermined both the integrity and the credibility of the Treaty. Bilateral and multilateral cooperation between and among States parties to the Treaty in the peaceful uses of nuclear energy under the supervision of IAEA should never be restricted by other States or by ad hoc export control regimes. Indeed, the introduction of unilaterally enforced export controls which violated both the letter and spirit of the Treaty hampered developing countries' access to nuclear materials, equipment and technologies for peaceful purposes.

55. In that connection, any attempt to use the Agency's Technical Cooperation Programme as a tool for political purposes in violation of the IAEA Statute was unacceptable. Furthermore, measures must be taken to ensure that States parties were not prevented from exercising their rights under the Treaty on the basis of allegations of non-compliance that had not been substantiated by IAEA. Interpreting article IV in such a way as to limit the rights deriving therefrom to the mere "benefits of nuclear energy" was a clear breach of the very wording of the Treaty and was totally unacceptable.

56. Rapid global demand for electricity, the increasingly uncertain supply and prices of oil and natural gas and concerns about greenhouse gas emissions had opened the way for the further development of nuclear energy and a growing number of countries had expressed the desire to build nuclear power plants. Consequently, global trends and analysis suggested that the forthcoming decade would provide a lucrative market for nuclear fuel. Unfortunately, however, the developing States parties to the Treaty were facing a number of obstacles to the exercise of their inalienable right to use nuclear energy for peaceful purposes, since access to many nuclear technologies and materials was restricted on the pretext of preventing proliferation. In particular, political constraints and monopolies on fuel supply and reprocessing meant that developing countries were completely dependent on the import of fuel for their nuclear power plants.

57. In order to rectify that unfair situation, steps must be taken to ensure respect for the choices, decisions and policies of all States parties to engage in safeguarded nuclear activities, including the nuclear

fuel cycle, without discrimination. Furthermore, regional arrangements to facilitate and encourage economic and technical cooperation on issues relating to the nuclear fuel cycle should be established and IAEA should play a more effective role in guaranteeing the fuel supply.

58. His delegation shared some of the concerns about the expansion of fuel cycle activities and the associated risks of proliferation and took the view that countries with extensive nuclear programmes could promote more confidence and transparency within the framework of the Agency's safeguards agreements and other relevant international instruments. In that context, policies incorporating double standards should be avoided. While significant pressure had been brought to bear on some States parties to the Treaty whose fuel cycle capabilities were subject to comprehensive IAEA safeguards, non-parties to the Treaty with unsafeguarded plutonium separation facilities had free access to nuclear technologies and know-how.

59. To strengthen the effectiveness and credibility of the Treaty and to put an end to both the selective implementation of certain articles and undue restrictions in violation of article IV, the 2005 Review Conference must intensify its efforts to promote the enjoyment of all the rights enshrined in the Treaty by all States parties, particularly the developing countries. Peaceful purposes was the only restriction imposed by the Treaty on the exercise of those rights and attempts to curb legitimate activities amounted to an amendment of the instrument and far exceeded the mandate of the review process.

60. He had taken note of initiatives to pursue a multilateral approach to the issue of the nuclear fuel cycle, including the relevant report of the independent expert group appointed by IAEA. However, it was crucial to maintain the delicate balance between the rights and obligations set out in the Treaty. Potentially divisive solutions which denied States parties access to any specific area of nuclear technology would undermine the integrity and credibility of the Treaty.

61. In spite of the decisions taken at previous Review Conferences, non-nuclear-weapon States parties to the Treaty were facing the threat of attacks from nuclear-weapon States and non-parties. Indeed, in its Nuclear Posture Review, one nuclear-weapon State had explicitly named non-nuclear-weapon States parties to the Treaty as the target of its deployed nuclear weapons. Accordingly, the 2005 Conference should deal with the question of the inviolability of nuclear facilities under full scope of IAEA safeguards and States parties to the Treaty should undertake not to take, assist or encourage any action designed to launch an armed attack against any such facilities.

62. In response to the statement made by the representative of the United States of America, he said that the ongoing obsession with Iran's peaceful nuclear programme and the repeated accusations directed against his country were deplorable. Following 12 months of robust investigations which had been more intrusive than those provided for in the protocol additional to Iran's safeguards agreement, the report submitted by the IAEA Director General to the Board of Governors in November 2004 had confirmed that all the declared nuclear material in Iran had been accounted for and was not therefore being diverted to prohibited activities. Iran was continuing to cooperate with the Agency and, to date, nothing had been found to contradict the findings of that report.

63. As far as the availability of nuclear fuel was concerned, it was ironic that the current cooperation between the Islamic Republic of Iran and the Russian Federation on the construction of the Bushehr power plant had been subject to tremendous pressure from the United States. The records of the International Atomic Energy Agency clearly showed that fuel for Iran's only research reactor had been denied for years and that the situation had only been resolved through the good offices of the Agency. Even today, no non-nuclear-weapon States had access to a guaranteed supply of nuclear fuel.

64. In order to preserve the validity and credibility of the strengthened review process, the 2005 Review Conference should build upon the outcome of the 2000 Conference and should not countenance the repetition of false accusations against any State party as a way of diverting attention from those whose record of compliance with several articles of the Treaty had been seriously called into question.

65. **Mr. Hu** Xiaodi (China) said that promoting peaceful uses of nuclear energy and international cooperation in that field was an important objective of the NPT. Enhanced efforts in the peaceful uses of nuclear energy would assist in fully realizing all the objectives of the NPT, in promoting nuclear

disarmament and in preventing the proliferation of nuclear weapons.

66. IAEA should attach great importance to the needs of developing countries for peaceful uses of nuclear energy, further strengthen its work in technical cooperation, and take effective measures to promote continued development of nuclear power and nuclear technology applications. All States parties, especially the developed ones, should support the promotional activities of the Agency, ensure adequate funds and reliable resources for technical cooperation, and facilitate the smooth conduct of the relevant activities.

67. The Chinese Government regarded the development of nuclear energy as an important component of the national economic and energy development strategy. Nuclear power plant construction had formally begun in China in 1985 and China currently had nine nuclear power units in operation and two under construction. Nuclear power had become an important pillar of the local electric infrastructure and contributed greatly to local social and economic development. It would be further developed to meet the demand for electricity in future national economic development. By the year 2020, installed nuclear capacity was expected to expand to 36GW, accounting for more than 4 per cent of total electric capacity.

68. China had consistently advocated the complete prohibition and destruction of nuclear weapons, and opposed their proliferation in any way to any country. The Chinese Government honoured its international commitments, devoted itself to the peaceful uses of nuclear energy and implemented nuclear non-proliferation policy in accordance with domestic laws and regulations.

69. In order to contribute to the efforts of the Review Conference to promote the peaceful uses of nuclear energy, China had submitted a detailed working paper on the issue (NPT/CONF.2005/WP.6) and requested that the following elements be incorporated in the report of Main Committee III and in the Final Document of the Review Conference.

70. First, promoting peaceful uses of nuclear energy and the relevant international cooperation was an objective of the NPT. Enhanced efforts in the peaceful uses of nuclear energy would assist in fully realizing all the objectives of the NPT, and in promoting nuclear disarmament and in preventing nuclear weapons proliferation.

71. Second, the prevention of nuclear weapons proliferation and the peaceful uses of nuclear energy were mutually complementary and indissociable. Non-proliferation efforts should not undermine the legitimate rights of countries, especially the developing countries, to the peaceful uses of nuclear energy.

72. Third, a proper balance between IAEA safeguards and international cooperation in the peaceful uses of nuclear energy would result in greater support for and participation in the Agency's activities.

73. Fourth, technical assistance to developing countries in the peaceful uses of nuclear energy should be increased.

74. Fifth, adequate funding should be guaranteed for the promotional and technical cooperation activities of IAEA. All States parties should make their contributions to the Technical Cooperation Fund in full and on time.

75. Lastly, Governments should take primary responsibility for the physical protection of nuclear material and facilities. International cooperation in that field, including the efforts of IAEA, should be strengthened and supported. Resources required to achieve those goals should be allocated through means other than by compromising the key activities of IAEA, particularly its promotional activities.

76. **Mr. Abdelaziz** (Egypt) said that matters relating to the inalienable right of States to develop nuclear technology for peaceful purposes were a special priority for most States parties to the NPT. Egypt supported the statement made by the Ambassador of Malaysia on behalf of the Group of Non-Aligned States and the working paper submitted by the Group on the peaceful uses of nuclear energy.

77. The inherent right of States to the peaceful use of nuclear energy in accordance with article IV of the Treaty was one of the cornerstones of the NPT and represented the main gain of the States that voluntarily renounced the possession of nuclear weapons in return for the right to use nuclear technology for peaceful purposes.

78. The review process represented an opportunity to confirm that States parties were adhering to the provisions of article IV and that no obstacles were

being placed in the way of non-nuclear States seeking to exercise their right to the peaceful use of nuclear energy under the NPT. Egypt wished to express its growing concern over the calls being made to curtail that right under the pretext of non-proliferation. Impinging on that right weakened one of the cornerstones of the NPT and lessened its credibility.

79. Attempts to justify limiting the right of States to the peaceful use of nuclear technology by linking such use to non-proliferation represented a flawed logic that confused the two issues. The provisions of article III of the Treaty dealt clearly with verification and non-proliferation under the IAEA safeguards system.

80. There was no objective basis for the recent exploitation of proliferation issues, which was aimed at restricting the right of States to possess nuclear technology, particularly since the recent instances of proliferation were unrelated to the peaceful use of nuclear technology, as provided for in article IV of the NPT. Limiting the right of States to the peaceful use of nuclear technology would be not only a reinterpretation of article IV but an attempt to amend its substance.

81. Egypt demanded the removal of limitations that prevented States parties from benefiting from the rights provided for in article IV of the NPT. Serious efforts must be made to achieve total transparency in the verification regime with respect to the transfer of nuclear technology and to make the regime truly universal. An effective legal regime should also be established to ensure the implementation of IAEA safeguards with respect to all nuclear activities of the member States of IAEA, regardless of whether or not they were parties to the NPT, as a condition for the transfer of nuclear technology or materials to those States.

82. Absolute priority must be given to international efforts to achieve the universality of IAEA safeguards in accordance with the Final Document of the 2000 Review Conference, particularly in the Middle East, where Israel still refused to subject its nuclear facilities to IAEA safeguards. Egypt also demanded that IAEA draft a plan of action that included practical measures to achieve that goal within a specific time frame.

83. Member States should strengthen the role of IAEA by providing it with political, material, human and moral support for peaceful technical cooperation in nuclear energy and in the non-proliferation and verification regimes.

84. Egypt supported the strengthening of the verification regime and of IAEA safeguards, provided it was not at the expense of the Agency's responsibilities in the fields of technical cooperation and the peaceful use of nuclear energy. The peaceful use of nuclear energy and support for the efforts of IAEA in the area of nuclear safety, including protection from nuclear radiation, were very important to Egypt.

85. Egypt hailed the efforts of IAEA to draft and to promote the signing of nuclear safety conventions. Effective measures must be taken to protect people from nuclear leaks in reactors that were not subject to international supervision. In order to achieve that goal in the Middle East, IAEA should initiate contacts with Israel with a view to ensuring that all Israeli nuclear facilities complied with international safety standards.

86. The fiscal crisis experienced by the IAEA Technical Cooperation Fund the previous year threatened the implementation of many of the projects adopted by the Board of Governors. Egypt chaired the working group that had been established to address funding for technical cooperation because it believed that the peaceful use of nuclear energy and IAEA technical cooperation programmes were directly linked to the economic development projects of developing States.

87. Egypt believed that it was important to recognize the importance of technical cooperation programmes, to strengthen the principle of the peaceful use of nuclear technology, to provide qualified personnel and financing for implementation of approved technical cooperation projects, and to develop projects that addressed the needs of States and supported their economic development plans while respecting their right to execute projects of their choosing and refraining from imposing specific projects on them, particularly those related to nuclear terrorism.

88. All Member States should fulfil their obligations to the Technical Cooperation Fund. Obligations, however, should be balanced against the rights set out in the NPT, which should not be curtailed when nuclear-weapon States were themselves not fulfilling their obligations under the NPT. The best way to uphold the NPT was through equal adherence to all of its provisions and implementation of all prior obligations, including those related to the peaceful use of nuclear technology and to disarmament.

89. In order to convince States parties that the NPT was important to their security, priority should be given to achieving its universalization and to providing assurances to non-nuclear-weapon States. Progress must also be made towards an agreement for complete disarmament in accordance with the letter and spirit of article VI of the NPT.

90. **Mr. Paulsen** (Norway) drew attention to the working paper contained in document NPT/CONF.2005/WP.23. While Norway did not produce nuclear energy, it was actively involved in the international regulatory framework for the safe and secure use of such energy, sources of radiation and related technologies. In the long term, the international community should aim for a proliferation-resistant nuclear fuel cycle and should devise a step-by-step strategy. To that end, current efforts should focus on the development of multinational approaches on the basis of the recommendations of the group of experts appointed by IAEA.

91. He was particularly concerned about the use of highly enriched uranium, which was the fissile material of choice for terrorists. Current efforts to reduce the risk of diversion were inadequate and additional steps should be taken as soon as possible by, inter alia, adopting the principle that highly enriched uranium should not be used for civilian purposes.

92. He had taken note with satisfaction of the positive outcome of the recent meeting to review the implementation of the Convention on Nuclear Safety and welcomed the adoption of new IAEA instruments and codes of conduct on nuclear safety and security. He was also pleased that a diplomatic conference would be held in July with a view to strengthening the Convention on the Physical Protection of Nuclear Material and urged all States to contribute financially to the IAEA Nuclear Security Fund.

93. The safe transport of nuclear materials was vital. Norway had worked closely with IAEA, the International Maritime Organization and other interested international organizations to ensure that such transport was regulated by a robust international regime. In that connection, he emphasized the importance of improving mutual understanding, building confidence and enhancing communication in the area of the safe maritime transport of nuclear and radioactive materials.

94. Emergency preparedness and response were also extremely important and he encouraged all States to pledge their full support to the implementation of the Agency's International Action Plan for Strengthening the International Preparedness and Response System for Nuclear and Radiological Emergencies. Norway would take a seat on the IAEA Board of Governors in the autumn and, in that capacity, would make every effort to contribute positively to the furtherance of all the issues on the agenda of the 2005 Review Conference.

95. **Ms. Bridge** (New Zealand) said that the right of all States parties to the peaceful uses of nuclear energy was a fundamental and critical objective of the Nuclear Non-Proliferation Treaty. In order to maximize cooperation among States parties in that area, it was vital to create a stable environment of confidence in the verification of the Treaty's security aspects. Hence the importance of concluding additional protocols to existing safeguards agreements and of refraining from active cooperation with States parties that were not in compliance with their obligations under the relevant safeguards agreements.

96. While New Zealand had chosen not to use nuclear energy for power generation owing to its ongoing concerns about the lack of compatibility between nuclear power and sustainable development, safety and proliferation issues, it recognized the right of other States to make their own decisions in that regard. However, in recent years the international community had become increasingly concerned about the potential to misuse the right to peaceful uses enshrined in article IV of the Treaty by developing the capability to enrich uranium or process plutonium for the manufacture of nuclear weapons. A great deal of thought had been devoted to the question of how to retain the right of compliant States parties to acquire that sensitive technology while limiting the ability to do so of those who did not live up to their obligations under the Treaty. The detailed and comprehensive report on that issue prepared by the independent group of experts appointed by IAEA represented a valuable contribution to the debate.

97. New Zealand would be in favour of taking the debate forward by exploring in more detail particular areas highlighted by the work already done and, in the shorter term, it might be possible to make progress on issues related to the back end of the cycle. Assured access to supply had been identified as critical to any

progress in multilateral approaches to the front end of the fuel cycle and New Zealand would support further expert work in that area, as well as any measures taken by States parties themselves to implement the steps identified in the report of the independent expert group.

98. Her delegation also supported moves to limit the use of highly enriched uranium for civilian purposes, since such a measure would allow States to exercise their rights under article IV of the Treaty while minimizing the risk of proliferation.

99. Five years previously, the States parties to the Nuclear Non-Proliferation Treaty had agreed that article V should be interpreted in light of the Comprehensive Nuclear-Test-Ban Treaty, which was an effective measure of nuclear disarmament and non-proliferation. She therefore called on all States that had not yet done so, particularly those listed in Annex 2, to sign and ratify the Treaty without delay. She also urged the United States of America to reconsider its decision not to ratify the instrument.

100. The Comprehensive Nuclear-Test-Ban Treaty related to both vertical and horizontal proliferation and, in that context, any plans for the research and development of new types of nuclear weapons or modifications of existing weapons were of the utmost concern. All States should therefore refrain from any action that would defeat the object and purpose of the Treaty pending its entry into force and, in the meantime, the current moratoriums on nuclear test explosions must be maintained.

101. The international community was also concerned about the prospect of a certain State party to the Nuclear Non-Proliferation Treaty withdrawing from the Treaty in order to avoid complying with its obligations pursuant thereto. That course of action could have particularly serious implications for the maintenance of international peace and security. In that connection, New Zealand and Australia had prepared a working paper on withdrawal (NPT/CONF.2005/WP.16), which would be discussed further during the meeting of the Committee's subsidiary body.

102. She attached particular importance to the safe transport of radioactive materials and, given that spent nuclear fuel was shipped past New Zealand's shores, took the view that the strictest possible regulatory regime should be introduced. There should be adherence to best practice safety standards, effective government communication about forthcoming shipments and satisfactory liability and compensation arrangements against the possibility of an accident or incident involving a shipment, including economic loss arising from perceived risk.

103. She welcomed the progress made by IAEA in that regard, in particular the adoption of the Action Plan for the Safety of Transport of Radioactive Material on the basis of the outcome of the 2003 International Conference on the Safety of Transport of Radioactive Material, the establishment of the International Expert Group on Nuclear Liability (INLEX) and the implementation of TranSAS. All areas of the Action Plan should now be implemented, including the continuation of the dialogue between relevant coastal and shipping States.

104. **Ms. Mtshali** (South Africa) said that, while non-compliance with obligations arising from the Nuclear Non-Proliferation Treaty was a topical issue for the international community, States parties must not renege on their original commitments. Nothing in the Treaty should be interpreted as affecting the inalienable right of all States parties to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I, II and III. By providing a framework of confidence and cooperation within which the development of the peaceful applications of the atom could take place, the Treaty aimed to foster such development and both peaceful nuclear cooperation and access to the benefits of nuclear energy were integral parts thereof.

105. However, the rights enshrined in article IV of the Treaty were inextricably linked to the disarmament and non-proliferation obligations contained in other articles and States parties could not choose to exercise certain rights while at the same time ignoring their associated duties. While proliferation concerns had prompted some States to propose restrictions and controls on the legitimate peaceful nuclear activities of other States, those measures must be matched by a renewed commitment to nuclear disarmament and to concrete, irreversible and verifiable action to implement the 13 practical steps agreed upon at the 2000 Review Conference.

106. In order to prevent proliferation and illicit trafficking, controls of nuclear material, technologies and equipment should be reviewed and enhanced.

However, experience had shown that no control regime could provide a cast-iron guarantee against abuse. The success of control regimes depended on effective information sharing and cooperation among the relevant parties and on the vital role played by IAEA. In that connection, a safe and well-organized system to fuel civilian nuclear reactors should be developed and the equitable access of all States to reasonably priced fuel for those reactors should be guaranteed.

107. The Conference should not adopt new measures that would restrict the exercise of the inalienable right to peaceful uses of nuclear energy. Her delegation could not agree to the application of such restrictions in respect of States that were fully compliant with their obligations under the Treaty, since imposing such measures on some States while allowing others to pursue their activities would only serve to exacerbate the inequalities already inherent in the Treaty.

108. Her Government would continue to promote international cooperation on the peaceful uses of nuclear energy in accordance with the Treaty and to encourage the exchange of scientific information, particularly in Africa, with a view to the further development of the peaceful application of atomic energy. In that connection, South Africa was pursuing its work on the inherently safe pebble bed modular reactor. The peaceful uses of nuclear energy were of particular relevance to Africa, given its need for sustainable and accelerated economic and social development. The technical cooperation activities undertaken by IAEA were extremely important in that regard and she urged as many States as possible to take part in them.

109. While she supported international efforts to maximize the benefits of nuclear energy, she was also in favour of activities designed to ensure the safety and security of nuclear programmes, including those involving transport and waste disposal. In that regard, she welcomed the ongoing improvements to the safety standards of IAEA and their application.

110. South Africa was continuing to share expertise within the framework of the African Regional Cooperative Agreement for Research, Development and Training Related to Nuclear Science and Technology (AFRA). In accordance with that Agreement, Africa's problems in the area of nuclear technology should be resolved through the use of expertise from within the continent. Recent reports on the implementation of the Millennium Development Goals had indicated that those Goals might not be achieved within the specified time frame. In many developing countries, sustainable development through, inter alia, the IAEA Technical Cooperation Programme, was critical, but in recent years the Programme had not received sufficient funding. The persistent imbalance between safeguards and promotional activities was a matter of some concern and every effort must therefore be made to provide the Technical Cooperation Programme with adequate and predictable resources.

111. The credibility and permanence of the Nuclear Non-Proliferation Treaty depended on a fundamental balance between the rights and obligations enshrined therein. The right to the peaceful uses of nuclear energy was an integral part of that equation.

112. **Mr. Ford** (United States of America), speaking in exercise of the right of reply, suggested that it might be useful for all States to familiarize themselves with the jurisdiction of the International Atomic Energy Agency in the area of safeguards. Despite the eagerness of some interested parties to seize upon statements falling outside that jurisdiction, it would be advisable to focus on the facts at hand. Anyone who had actually read the Director General's many reports on the clandestine nuclear programme of the Islamic Republic of Iran would know that that State's efforts to conceal its nuclear infrastructure behind a cloud of lies spanned two decades and were still ongoing. He encouraged all States to review the reports in question and to draw their own conclusions.

113. **Mr. Saeidi** (Islamic Republic of Iran), speaking in exercise of the right of reply, expressed satisfaction that the current discussion was based on information contained in the reports of the Director General of IAEA. However, he doubted that reason could provide a cure for obsession.

The meeting rose at 6 p.m.